

1 GREGORY D. LATHAM, ESQ.
(admitted pro hac vice)
2 Louisiana Bar No. 25955
STEPHEN KEPPEL, ESQ.
(admitted pro hac vice)
3 Louisiana Bar No. 34618
4 INTELLECTUAL PROPERTY CONSULTING, LLC
334 Carondelet Street, Suite B
5 New Orleans, LA 70130
Telephone: (504) 322-7166
6 Facsimile: (504) 322-7184
Email: glatham@iplawconsulting.com
7 skepper@iplawconsulting.com

8 AND

9 JAMES E. WHITMIRE, ESQ.
Nevada Bar No. 6533
10 SANTORO WHITMIRE
10100 W. Charleston Blvd., Suite 250
11 Las Vegas, Nevada 89135
Tel.: (702) 948-8771 / Fax: (702) 948-8773
12 Email: jwhitmire@santoronevada.com

13 *Attorneys for Plaintiff*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 BASKIM HOLDINGS, INC., a Louisiana
corporation,

17 Plaintiff

18 v.

19 TWO M, INC. d/b/a BABE'S CABARET

20 Defendant

Case No.: 2:16-cv-01898-APG-GWF

**STIPULATION AND ORDER TO
RESCHEDULE DEPOSITIONS**

21 Defendants, Two M, Inc. and Omar Aldabbagh, and plaintiff, Baskim Holdings, Inc. (the
22 "Parties"), respectfully request that the Court extend the time for the Parties to take depositions
23
24

1 previously ordered to be completed by June 12, 2017 (ECF 50). In support of this request, the
2 Parties state:

3 1. The Parties previously stipulated to, and the Court ordered (ECF 50), the following
4 depositions take place in the following manner:

- 5 a. Defendants will make the following witnesses available for deposition at plaintiff's
6 counsel's office over a three-day period of June 7, 8, and 9, 2017: Hilary Rush, Sara
7 Bebee, Sarah Ruttenberg, Kelly Jones, Larry Wexler and Omar Aldabbagh.
8 b. Plaintiff will reschedule the depositions of Peter Feinstein, Danny Romine and Ken
9 Bowman, during the three-day period of June 7, 8, and 9, 2017.
10 c. Plaintiff will make Dr. Michael Einhorn available for deposition at defense
11 counsel's office on June 12, 2017.
12 d. Defendant may issue a deposition subpoena to plaintiff's New Orleans, Louisiana
13 licensee's landlord, scheduling the deposition on or before June 12, 2017. (the
14 "Prior Depositions").

15 2. On May 18, 2017, the Court held a hearing on Defendants' Emergency Motion to
16 Extend Time and Alter Discovery Deadlines (ECF 45); the Court ordered a forty-five (45) day
17 extension of the following pre-trial deadlines: (1) discovery deadline extended until July 27, 2017;
18 (2) the dispositive motion deadline extended to August 28, 2017; and (3) the joint pre-trial deadline
19 extended until September 28, 2017 (ECF 53).

20 3. In light of the depositions necessary to complete discovery prior to trial, and given
21 the additional time allowed to finish discovery, the Parties believe it is in their best interest to
22 attempt to resolve this matter prior to incurring the expenses associated with taking the previously
23 scheduled Prior Depositions. Indeed, the parties have agreed to participate in a joint settlement
24 conference with the magistrate judge in the coming months.

4. Accordingly, the Parties request that the Court order the remaining Prior
Depositions below be reset and taken based on the following agreed-upon schedule:

- 1 a. Defendants will make the following witnesses available for deposition at plaintiff's
2 counsel's office:

3

Hilary Rush	July 12, 2017 at 9:00 a.m. (PST)
Sarah Ruttenberg	July 12, 2017 at 1:00 p.m. (PST)
Sara Bebee	July 12, 2017 at 3:00 p.m. (PST)
Kelly Jones	July 13, 2017 at 3:00 p.m. (PST)
Larry Wexler	July 14, 2017 at 1:00 p.m. (PST)
Omar Aldabbagh ¹	July 14, 2017 at 9:00 a.m. (PST)

8

- 9 b. Plaintiff will make the following witnesses available for deposition at defense
10 counsel's office in Florham Park, New Jersey:

11

Dr. Michael Einhorn	July 21, 2017 at 9:00 a.m. (EST)
---------------------	----------------------------------

12

- 13 c. Plaintiff will reschedule the depositions of Danny Romine and Richard Gradillas²,
14 during the three-day period of July 12, 13, and 14, 2017. If either of these witnesses
15 are unavailable during that time period, the parties will work together in good faith
16 to schedule the deposition on or before July 14, 2017.

17 WHEREFORE, in an effort to allow the Parties to conduct meaningful settlement negotiations
18 without incurring the additional costs of taking several depositions, the Parties respectfully request
19 that the Court enter an Order to allow for the above-described depositions to occur on the dates set
20 forth above.

21 ¹ Defendants specifically reserve the right to seek a protective order quashing or limiting the
22 deposition of Omar Aldabbagh. Mr. Aldabbagh was previously produced for deposition as the
23 corporate representative for Two M, Inc. Defendants question whether Mr. Aldabbagh is required
24 to appear individually for deposition without plaintiff seeking leave of court. Nonetheless, absent
an Order from the Court quashing or limiting Mr. Aldabbagh's deposition, defendants will produce
him for deposition on July 14, 2017.

² Richard Gradillas was not identified in the Court's prior order because he was not yet identified
as a witness. Mr. Gradillas was only recently named as a witness for the defense in their fifth
supplement to initial disclosures dated May 22, 2017.

1 **IT IS SO ORDERED:**

2 Dated: June 6, 2017 , 2017

3 
4 _____
5 UNITED STATES MAGISTRATE JUDGE

6 Dated this 5th day of June, 2017.

6 Dated this 5th day of June, 2017.

7 _____
8 /s/ Greg Latham
9 GREGORY D. LATHAM, ESQ.
10 (admitted pro hac vice)
11 Louisiana Bar No. 25955
12 STEPHEN KEPPER, ESQ.
13 (admitted pro hac vice)
14 Louisiana Bar No. 34618
15 INTELLECTUAL PROPERTY
16 CONSULTING, LLC
17 334 Carondelet Street, Suite B
18 New Orleans, LA 70130
19 Telephone: (504) 322-7166
20 Facsimile: (504) 322-7184
21 Email: glatham@iplawconsulting.com
22 skepper@iplawconsulting.com

7 _____
8 /s/ Martin I. Melendrez
9 MARTIN I. MELENDREZ, ESQ.
10 Nevada Bar No. 7818
11 CHRISTOPHER A. ECCLES, ESQ.
12 Nevada Bar No. 9798
13 HAWKINS MELENDREZ, P.C.
14 9555 Hillwood Drive, Suite 150
15 Las Vegas, Nevada 89134
16 Tel: (702) 318-8800
17 Fax: (702) 318-8801
18 Email: mmelendrez@hawkinsmelendrez.com
19 ceccles@hawkinsmelendrez.com

20 Attorneys for Two M., Inc. d/b/a Babe's
21 Cabaret

22 AND

23 JAMES E. WHITMIRE, ESQ.
24 Nevada Bar No. 6533
25 SANTORO WHITMIRE
26 10100 W. Charleston Blvd., Suite 250
27 Las Vegas, Nevada 89135
28 Tel.: (702) 948-8771 / Fax: (702) 948-8773
29 Email: jwhitmire@santoronevada.com

30 Attorneys for Plaintiff